

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARLENE CAMPBELL, et al.,

Plaintiffs,

v.

FULTON COUNTY SHERIFF'S
DEPARTMENT ARKANSAS,

Defendant.

Case No. [24-cv-02822-DMR](#)

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
TRANSFERRED AND ORDER TO
FILE IFP APPLICATION OR PAY
FILING FEE**

Pro se Plaintiffs Arlene Campbell and Jennifer G. Schwind filed a complaint on May 10, 2024. According to the complaint, the incidents that form the basis of the complaint took place in Fulton County, Arkansas. Plaintiff Campbell lives in San Francisco, California and Plaintiff Schwind, Campbell's daughter, lives in Arkansas. Compl. 3. Pursuant to 28 U.S.C. § 1391, a case may be filed in

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Based on the allegations in the complaint, it appears that the proper venue for this case is the Eastern District of Arkansas because that is where "a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b)(2). When a plaintiff files their case in the wrong district, the court must either dismiss the case or transfer it to the District Court in the correct district. *See* 28 U.S.C. § 1406(a). Thus, unless Plaintiffs can show

1 legal authority for venue in this district, the court will transfer the case to the Eastern District of
2 Arkansas. Accordingly, IT IS HEREBY ORDERED that, **by no later than June 27, 2024**,
3 Plaintiffs shall file a statement explaining why this case should not be transferred to the United
4 States District Court for the Eastern District of Arkansas.

5 Additionally, the court notes that Plaintiff Campbell filed an application to proceed in
6 forma pauperis (“IFP”) but Plaintiff Schwind did not. [See Docket No. 2.] Plaintiff Schwind shall
7 either pay the filing fee in full or an IFP application on her own behalf **by no later than June 27,**
8 **2024.** Failure to pay the filing fee or an IFP application by that date may result in dismissal for
9 failure to prosecute.

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11 **IT IS SO ORDERED.**

12 Dated: May 30, 2024



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14 DONNA M. RYU
15 Chief Magistrate Judge
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